

The City Council met in regular session at the hour of 8:35 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

The Fresno High Junior ROTC Color Guard presented the flag, Angie Blevins sang the Star Spangled Banner, City Manager Hobbs gave the invocation, and an ROTC member led the Pledge of Allegiance.

INTRODUCTION AND WELCOME TO COUNSEL GENERAL HU GUANGXIANG AND DEPUTY COUNSEL GENERAL QIU XVEJUN FROM CHINA - PRESIDENT BOYAJIAN

Introductions were made and gifts were presented to the visiting officials by President Boyajian.

PROCLAMATION OF FLOYD BOLER DAY - COUNCILMEMBER DUNCAN

PROCLAMATION OF OLDER AMERICANS MONTH - COUNCILMEMBER DAGES

PROCLAMATION OF ELDER ABUSE PREVENTION MONTH - MAYOR AND CITY COUNCIL

PROCLAMATION OF LAW DAY - MAYOR AND CITY COUNCIL

PROCLAMATION OF FRESNO HIGH JUNIOR ROTC DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF NATIONAL CHILD ABUSE PREVENTION MONTH - COUNCILMEMBER PEREA

RESOLUTION OF COMMENDATION TO FRESNO CITY COLLEGE 2002-2003 MEN'S BASKETBALL TEAM AND COACH VANCE WALBERG - COUNCILMEMBER CALHOUN **(2 - 0)**

PRESENTATION OF DISTRICT 4 STUDENT RECOGNITION CERTIFICATES FOR THE THIRD QUARTER - ACTING PRESIDENT CASTILLO

The above proclamations, resolutions and certificates were read and presented.

APPROVE MINUTES:

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of April 22, 2003, approved as submitted.

APPROVE AGENDA:

(5-A) DIRECT STAFF TO REPORT BACK ON IMPACT OF EXTENDING DURATION OF YELLOW LIGHTS AT SPECIFIC INTERSECTIONS - ACTING PRESIDENT CASTILLO

Removed from the agenda. Brief discussion ensued on the issue prior to approval of the agenda.

(2:15 P.M.) APPROVE AND ACCEPT CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2002 AND RELATED LETTER OF MANAGEMENT

City Clerk Klisch corrected the title to read "*ACCEPT CITY OF FRESNO COMPREHENSIVE...*". So noted.

ANNOUNCEMENT OF APPRAISAL EVENT AT THE PAVILION WEST SHOPPING CENTER (BULLARD AND WEST AVENUES) ON MAY 3, 2003, TO BENEFIT THE FIRE DEPARTMENT BURN UNIT - COUNCILMEMBER DAGES

Announcement made with Councilmember Dages advising he would be conducting appraisals and encouraged all to participate.

ANNOUNCEMENT OF 4/30/03, OPENING OF IN AND OUT BURGER AT BLACKSTONE AND NEES NEXT TO KRISPY KREME DONUTS - COUNCILMEMBER DUNCAN

Announcement made.

(5-A) DIRECT STAFF TO REPORT BACK ON IMPACT OF EXTENDING DURATION OF YELLOW LIGHTS AT SPECIFIC INTERSECTIONS (ACTING PRESIDENT CASTILLO) - COUNCILMEMBER DUNCAN

Councilmember Duncan requested the item be placed back on the agenda stating inaccurate comments were being reported by the media relative to the accuracy and time length of the lights and he wanted the record to be set straight that the lights were not too short and were not violating the law. Acting President Castillo clarified he removed the item as supporting information he wanted to present was not yet complete and the matter was laid over one week.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2003-121 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$200,000 TO THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE LAND AND WATER CONSERVATION FUND FOR IMPROVEMENTS TO THE FULTON MALL

1. AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS NECESSARY FOR THE COMPLETION OF THE PROJECT

(1-B) RESOLUTION NO. 2003-122 - INTENT TO ANNEX FINAL TRACT NO. 5123 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 50, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-C) APPROVE APPOINTMENT OF CARY CATALANO TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER PEREA

(1-D) * RESOLUTION NO. 2003-123 - 11TH AMENDMENT TO SALARY RES. 02-219 ADDING A NEW SECTION 22 REGARDING SALARIES FOR EMPLOYEES IN EXHIBIT 2-2.0 (NON-REPRESENTED) WHILE ABSENT DUE TO INJURY IN THE LINE OF DUTY, AND RE-NUMBERING EXISTING SECTIONS 22 AND 23 TO SECTION 23 AND 24, RESPECTIVELY

(1-F) APPROVE THE PROPOSED U.S. GOVERNMENT LEASE MODIFICATION FOR REAL PROPERTY IN THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT WITH TRANSPORTATION SECURITY ADMINISTRATION (TSA), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-G) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO NATIONAL WATER WORKS, INC., OF FRESNO IN THE AMOUNT OF \$44,753.55 FOR WATER METER BOXES

(1-H) RESOLUTION NO. 2003-124 - AUTHORIZING AN AGREEMENT WITH THE OFFICE OF TRAFFIC SAFETY FOR THE SAFETY AWARENESS EDUCATION TRAINING (S.E.A.T.) PROGRAM UP TO \$150,000

(1-I) APPROVE EXTENSION OF A REQUIREMENTS CONTRACT FOR OFFICE SUPPLIES WITH OFFICE DEPT THROUGH OCTOBER 31, 2003, AS A PIGGYBACK ON THE CURRENT NACO CONTRACT TO ALLOW TIME IN THE NEW FISCAL YEAR TO EITHER REBID THIS COMPLEX CONTRACT OR PRESENT OTHER ALTERNATIVES TO COUNCIL

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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The City Council recessed at 9:40 a.m. and convened in joint session with the Redevelopment Agency.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF APRIL 8, 2003

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of April 8, 2003, approved as submitted.

(“A”) AWARD A CONTRACT TO DAVE CHRISTIAN CONSTRUCTION FOR ROADWAY IMPROVEMENTS FOR THE ROEDING BUSINESS PARK AND APPROVE A LOAN AGREEMENT BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY TO PROVIDE DIRECTION TO CITY AND AGENCY STAFF TO RETURN WITH ENABLING DOCUMENTS (COUNCIL AND AGENCY ACTION)

1. * RESOLUTION NO. 2003-125 - 81ST AMENDMENT TO AAR 2002-216 APPROPRIATING \$1,800,000 FOR THE PURPOSE OF PARTIALLY FUNDING ROEDING BUSINESS PARK ROAD IMPROVEMENTS CONTRACTS BY THE AGENCY (COUNCIL ACTION)

Chair Duncan noted actions taken this date were for Phase III of the project and emphasized when completed the Roeding Business Park would be ready for businesses to locate there and provide much needed jobs. Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, corrected the report relative to the number of proposals received, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the need to bring City and Agency by-laws together stating the Agency did not have legal authority to do anything.

At this point proceedings were interrupted and the joint bodies recessed at 9:47 a.m.

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RECESS - 9:47 A.M. - 10:00 A.M.

(10:00 A.M. #1) PRESENTATION OF EMPLOYEE SERVICE AWARDS

The City Council reconvened in regular session and presented employees with 10, 15, 20, 25, 30 and 35 years of city service Resolutions of Commendation. A reception was held immediately following to honor the employees.

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RECESS - 10:30 A.M. - 10:48 A.M.

(“A”) AWARD A CONTRACT TO DAVE CHRISTIAN CONSTRUCTION FOR ROADWAY IMPROVEMENTS FOR THE ROEDING BUSINESS PARK AND APPROVE A LOAN AGREEMENT BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY TO PROVIDE DIRECTION TO CITY AND AGENCY STAFF TO RETURN WITH ENABLING DOCUMENTS (COUNCIL AND AGENCY ACTION)

1. * RESOLUTION NO. 2003-125 - 81ST AMENDMENT TO AAR 2002-216 APPROPRIATING \$1,800,000 FOR THE PURPOSE OF PARTIALLY FUNDING ROEDING BUSINESS PARK ROAD IMPROVEMENTS CONTRACTS BY THE AGENCY (COUNCIL ACTION)

Joint meeting proceedings continued. Councilmember Sterling spoke in support of the project and subject issues and made a motion to approve staff's recommendations.

Director Fitzpatrick responded to questions of Councilmember Perea relative to where the \$1.8 million was coming from. City Manager Hobbs made a clarification to the staff report relative to funds being available in the Agency budget stating (1) completion of the Roeding Business Park was a high priority for the Agency and the Mayor, (2) the RDA's project estimate was \$2 million and the project came in at \$4.5 million, and (3) the \$4.5 million did not change the commitment but should a problem arise with the funding source various options would have to be explored and explained. Discussion ensued with Mr. Fitzpatrick, Mr. Hobbs and Controller Quinto clarifying issues and/or responding to further questions of Councilmember Perea, President Boyajian and Acting President Castillo relative to whether \$1.8 million was being allocated with the hope that the California Infrastructure Bank (CIB) funds come through, where the \$1.8 million was coming from this date, what those funds would normally be used for/if other projects would be impacted, number of phases in the project, if this appropriation would finalize the project, if developers would be able to come in and start up their businesses after the improvements, if the City of Fresno will be the owner of the park after the project is completed, debt and ability to enhance City funds and leverage funds, and what other funding sources were being explored.

Councilmember Calhoun and Chair Duncan spoke in support of the issue, clarified this was a cooperative effort involving the Mayor and City and RDA staff, and stated this was a risk well worth taking citing the large unemployment problem and a risk that was very manageable.

On motion of Councilmember Sterling, seconded by President Boyajian, duly carried, RESOLVED, a contract hereby awarded to Dave Christian Construction of Fresno for the Base Bid in the amount of \$4,532,020.43 for the roadway improvements for the Roeding Business Park; a Loan Agreement between the City of Fresno and the Redevelopment Agency to provide direction to City and Agency staff to return with enabling documents necessary for the project approved; and the above entitled Resolution No. 2003-125 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes :	None
Absent :	None

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The joint bodies adjourned their meeting at 11:18 a.m. and the City Council reconvened in regular session.

(10:00 A.M. #2) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 47, TRACT NO. 5099

1. RESOLUTION NO. 2003-126 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-127 - CALLING SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2003-128 - DECLARING ELECTION RESULTS

4. * BILL NO. B-33 - ORDINANCE NO. 2003-32 - LEVYING A SPECIAL TAX FOR THE PROPERTY TA YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 47

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-126, 2003-127, and 2003-128 hereby adopted, and the above entitled Bill No. B-33 adopted as Ordinance No. 2003-32, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(10:15 A.M.) ADOPT RESOLUTIONS RELATING TO COMPETITIVE BIDDING

1. RESOLUTION NO. 2003-129 - ESTABLISHING PROCEDURES FOR APPEALS IN THE COMPETITIVE BIDDING PROCESS, AND REPEALING RESOLUTION NO. 2001-52

2. RESOLUTION NO. 2003-130 - ESTABLISHING DEBARMENT PROCEDURES AND REQUIREMENTS

3. RESOLUTION NO. 2003-131 - ESTABLISHING PROCEDURES FOR APPEALS IN THE PRE-QUALIFICATION PROCESS FOR DESIGN-BUILD CONTRACTS

Purchasing Manager Taggart reviewed the issue as contained in the staff report as submitted, and upon question of President Boyajian clarified all three resolutions were being presented for adoption.

Barbara Hunt, 2475 S. Walnut, spoke in opposition and to the what the Charter provides for **(3 - 0)**.

Discussion ensued with Ms. Taggart, City Attorney Montoy and Assistant City Manager Souza clarifying issues and responding to questions of President Boyajian and Acting President Castillo relative to who would select the hearing officers, how the hearing officers would be selected and where they would come from (i.e. labor, construction), concern with conflict of interest in determining hearing officers, and specifics relative to debarments including criteria, timeframe, possibility of lawsuits, need for the community to be aware of specific criteria that will be used, and who will be responsible for determining fraud has occurred. Councilmember Sterling stated she had concern with the process and the City getting away from its responsibility to oversee all bids and explained, with Mr. Souza responding and stating purchasing staff would meet with Ms. Sterling to walk through specifics of the process and present specific instances for a better understanding.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-129, 2003-130 and 2003-131 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Boyajian
Noes : Sterling
Absent : None

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(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-25 AND ENVIRONMENTAL FINDINGS, FILED BY GRANUM PARTNERS, PROPERTY LOCATED ON THE EASTERLY CORNER OF CHAMPLAIN AND PERRIN AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-25/C-02-285

2. RESOLUTION NO. 2003-132 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-34 - ORDINANCE NO. 2003-33 - AMENDING THE DOMINION PLANNED COMMUNITY SPECIFIC PLAN

4. BILL NO. B-35 - ORDINANCE NO. 2003-34 - AMENDING SEGMENTS OF THE DOMINION PLANNED COMMUNITY TRAIL SYSTEM ON THE EASTERLY, NORTHERLY, AND WESTERLY CORNERS OF PERRIN AND CHAMPLAIN AVENUES

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Braun gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, expressed concerns relative to changing the general plan and street directional designations. Acting President Castillo briefly left the meeting at 11:29 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan clarified this project was left over from the old general plan and would be brought into compliance, and spoke in support of the project stating it was extraordinarily pedestrian friendly.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-65, C-02-285, dated March 7, 2003, hereby approved; the above entitled Resolution No. 2003-132 hereby adopted; the above entitled Bill No. B-34 adopted as Ordinance No. 2003-33, including provisions "a" and "b" as outlined in staff report recommendation No. 3; and the above entitled Bill No. B-35 adopted as Ordinance No. 2003-34, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	Castillo

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(11:00 A.M.) HEARING TO CONSIDER NAMING THE OLD CONVENTION VENTER EXHIBIT HALL THE "ERNEST E. VALDEZ HALL" - COUNCILMEMBER DAGES

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Councilmember Dages spoke in support of naming the old exhibit hall after Mr. Valdez and read a statement to Council on his reasons therefor; played a "Thanks For The Memories" video tribute of Mr. Valdez and his staff; and made a motion to approve the naming, which motion was seconded and later acted upon. Acting President Castillo returned to the meeting at 11:35 a.m.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the motion.

Speaking in support were: Richard Caglia, 1400 Fulton Street; Blackie Gejeian, 8598 S. East Avenue; Robert Lippert, 2610 W. Shaw; Ron Eichman, 629 E. Cornell; Richard Peters, P.O. Box 907; and Erin Valdez Santos, 343 Deer Creek.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Perea spoke in support citing Mr. Valdez' contributions to the community and added he was an inspiration to all. Assistant City Manager Souza stated he enjoyed working with Mr. Valdez but the administration had concerns that this action was premature, it would set an awkward precedent, and the City was facing severe economic times with the convention center and naming rights would be sacrificed. Upon question of President Boyajian, City Attorney Montoy stated there was no legal issue involved. Councilmember Calhoun stated he could not support this for the reasons expressed last time noting they were similar to those expressed by Mr. Souza, and clarified this was not a criticism of Mr. Valdez but he was uncomfortable with the process and with naming buildings after city employees. President Boyajian spoke in support stating the Macias Group reported the convention center was one of the most well run departments with high morale, noted the Selland Arena was reported as one of the top ten arenas for events and activities, and acknowledged the hard economic times but stated that should not detract from what Mr. Valdez did for the convention center.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the old Convention Center Exhibit Hall named the "Ernest E. Valdez Hall", by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

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LUNCH RECESS - 11:56 A.M. - 2:03 P.M. Councilmembers Castillo and Sterling arrived later.

CONSENTED CONSENT CALENDAR ITEMS:

(1-E) APPROVE PROPOSED LEASE ADDENDUM NO. 1 TO THE LEASE AND CONCESSION AGREEMENT WITH SHAREE CURTICE, DBA THE RUB CLUB, FOR THE CONTINUED OPERATION OF A CHAIR MASSAGE BUSINESS IN A DIFFERENT AREA OF THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

Barbara Hunt, 2475 S. Walnut, spoke to the issue questioning why the City was associated with a massage business.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, Lease Addendum No. 1 to the Lease and Concession agreement with Sharee Curtice, dba The Rub Club, hereby approved, and the Director of Transportation authorized to execute the same on behalf of the City, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Boyajian
Noes : None
Absent : Castillo, Sterling

(2-A) * BILL NO. B-36 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF VEHICLE SALE ACTIVITY

Acting President Castillo arrived at 2:06 p.m. Councilmember Calhoun spoke to how vehicles parked for sale on streets was a real safety issue; noted staff put in a lot of work on the issue and he was supportive; and stated he had received conflicting answers and questioned if Heald College's used car sales on weekends at the college would be affected by this ordinance and if the college would be able to apply for a CUP. City Attorney Montoy and Transportation Manager Madewell stated the college site was not zoned for used car sales and that activity was not permissible and they would not be able to apply for a CUP.

Councilmember Duncan spoke briefly to the background of the issue, stated this was a real safety issue and displayed photographs of some streets in his district where the problem occurs stressing the traffic impact was unbelievable, and made a motion to introduce the ordinance.

(4 - 0) Barbara Hunt 2475 S. Walnut, spoke in opposition to the ordinance stating this would affect people who can't afford to purchase vehicles at car lots and stated people's/seller's rights were being taken away.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled Bill No. B-36 introduced before the Council and laid over, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Boyajian
Noes : None
Absent : Sterling

(2-B) * BILL NO. B-37 - REPEALING AND ADDING SECTION 9-805 TO THE FRESNO MUNICIPAL CODE RELATING TO UNLAWFUL DUMPING

Councilmember Perea stated he deals with this problem in his district everyday and he would like to see vehicles involved in the illegal dumping impounded and questioned how that could be done. Councilmember Sterling arrived at 2:15 p.m.

City Attorney Montoy stated that issue would involve extensive research therefore Council direction would be needed, and advised the City of Los Angeles was reviewing the same issue and information could be forthcoming soon, and clarified if their report ends up taking a longer time the matter could be set on a future agenda for direction. A motion and second was made to introduce the ordinance.

Councilmember Calhoun commended staff on the issue and questioned how this ordinance would impact or help Operation Clean Up, why this ordinance had not been in place sooner as illegal dumping has been around a long time, and if staff felt this ordinance would have an impact and make a difference, with Code Enforcement Manager Villa and Ms. Montoy responding. Councilmember Sterling stated part of the problem was under-reporting or people not knowing who in the City to contact, spoke to the problem in her district and stated they were going to be proactive and not stand for the problem any more, and added fines would generate revenues for the City.

Barbara Hunt, 2475 S. Walnut, spoke in support of the ordinance.

Ms. Montoy responded briefly to questions of President Boyajian relative to the problem of banners being placed on city trees by county people, jurisdiction, and what could be done.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-37 introduced before the Council and laid over, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION (ATU) UNIT 06

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: FAA V. CITY OF FRESNO

The City Council met in closed session in Room 22125 at the hour of 2:28 p.m. to consider the above issues and reconvened in regular open session at 3:15 p.m.

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(2:35 P.M.) APPEARANCE BY TROY JAMES AND WAYNE NORDYKE TO DISPUTE AN AMOUNT THE CODE ENFORCEMENT DIVISION CHARGED FOR CLEANING UP DEBRIS FROM PROPERTY LOCATED AT 645 "A" STREET

(2:40 P.M.) APPEARANCE BY BERTHA WARREN TO DISPUTE AN AMOUNT THE CODE ENFORCEMENT DIVISION CHARGED FOR CLEANING UP DEBRIS FROM PROPERTY LOCATED IN AN ALLEY BEHIND 230 E. STANISLAUS

Councilmember Sterling advised the parties their issues/concerns would be taken under submission and she would work with the parties and staff to try to resolve the issues.

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(2:15 P.M.) ACCEPT CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2002 AND RELATED LETTER OF MANAGEMENT

City Manager Hobbs gave an overview of the issue stating this was a statement of the City's financial condition and more than an audit; noted the new item was the Management Letter which came out after the CAFR and pointed out it contained various critiques of the City's financial system which was good and helpful; stated the real test next year would be to see whether

these critiques were addressed; and stated the financial condition was sound and all funds were accounted for and advised the auditors and staff were present to answer questions.

Assistant Controller Bradley reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, expressed concern with the report stating actual figures were not provided and were unclear.

Councilmember Calhoun spoke to the issue, commended the auditors, noted there had been a misunderstanding and stated the audit was on time and was not late, and stated he would be scheduling a meeting with staff about a few issues in the management letter that he wanted to raise and explained. Controller Quinto and Mr. Hobbs responded briefly to questions of Councilmember Perea relative to how the City performed overall compared to last year, Pension Obligation Bond savings (POBs), debt service requirements, the \$10 million reserve, and if savings from departments directed to save money could be reappropriated or if they were required to stay in that department. Councilmember Calhoun made a motion to accept the report. Councilmember Duncan referenced a couple of statistical charts stating the public needed to know that the financial management was extraordinary and explained **(5 - 0)**, and seconded the motion.

Ms. Quinto and Mr. Hobbs responded to questions and concerns of President Boyajian at length relative to the POB refinancing, what the City's debt was at that time, concern with obligating future councils, the debt obligation not being explained in detail, mortgaging the City's future for the present, the audit not being on time and having three extensions, perception that the City's fiscal problems are due to debt owed to the City by the Redevelopment Agency, how taking money out of the convention center can be rationalized if the convention center is in deficit spending, and concern with some departments' savings going to other departments and "taking from Peter to pay Paul". At this point Councilmember Calhoun raised a point of order and questioned if this line of discussion (budget issues) was appropriate for the item before Council which was to accept the report. Brief discussion ensued on continuing with the discussion/questions or putting discussion over to another date. By consensus discussion continued with President Boyajian stating hard questions needed to be asked, he did not believe the City was in good shape, and continued with questions relative to the convention center, risk management, the \$10 million reserve including where those funds came from and if the reserves were cash and not receivables, reasons for the decrease in billing revenues, and if staff was saying the City of Fresno was basically in good shape and had \$10 million cash in the reserves.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2002 and Related Letter of Management hereby accepted, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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(2:45 P.M.) DISCUSSION RELATING TO THE ARCHIE CRIPPEN EXCAVATION FIRE

(a) IMPLEMENT RESULTS OF THE SOUTHWEST FIRE TASK FORCE AS A RESULT OF THE FIRE - COUNCILMEMBER STERLING

(b) REQUEST CITY MANAGER TO RETURN WITH RECOMMENDATIONS FROM THE MAYOR'S TASK FORCE FOR CHANGES NECESSARY TO PRECLUDE A SIMILAR OCCURRENCE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO AMENDING ORDINANCES, PERMITTING PROCESSES AND ENFORCEMENT PROCEDURES - COUNCILMEMBER DUNCAN

(c) DIRECT STAFF TO RETURN WITH AN URGENCY ORDINANCE SUSPENDING CONDITIONAL USE PERMITS AND SPECIAL PERMITS FOR EXCAVATION AND RECYCLING FACILITIES PENDING THE PREPARATION AND ADOPTION OF NEW ZONING AND OTHER ORDINANCES - ACTING PRESIDENT CASTILLO

Councilmember Sterling reviewed the background of the issue, the task force that was established and its charge stating the task force put a lot of time into the matter and she hoped her report this date would address a lot of the concerns; reviewed some of the items the task force was asking Council to take immediately action on, all as included in the report; and gave a

briefing on other areas of concern.

Deputy Mayor Montero commended Councilmember Sterling for her leadership, stated the committee stayed focused and achieved the goals they set out to achieve, and stated he was very confident the recommendations set out in the report would make Fresno a better place to live and more importantly a safer and self assured community. Councilmember Sterling added the experience turned out to a great working experience and commended Interim Fire Chief Aranaz and staff for all the information that was made available to the task force and the community. Mr. Montero stated strong recommendations were made which pointed out some deficiencies, and stated it was important to recognize city staff did not start the fire and that when a person applies for a permit of any kind there is an assumption that person will comply with the requirements of that permit and be accountable.

Speaking to the issue were: Richard Caglia, 1400 Fulton, who stated (1) he did not feel Council should award contracts in the future to businesses who do not have the necessary permits to conduct business operations, and (2) a contract could be awarded if a company has all proper permits prior to commencement of performance; Barbara Hunt, 2475 S. Walnut, who expressed various concerns relative to health, recommendations being unclear, and people not being involved in the process; and **(6 - 0)** Alex Correa, representing FCEA, who spoke to media reports of criticism and blame placed on the dispatchers saying it was extremely unfair and they were victims of bad communications.

Upon question of President Boyajian, City Attorney Montoy clarified the options available to Council were "a" by Councilmember Sterling asking Council to direct all recommendations in the report (and that she summarized earlier) be implemented which would include drafting of ordinances and administrative direction to look at budgetary, staffing and training issues; "b" by Councilmember Duncan which she felt was encompassed in "a"; and "c" by Acting President Castillo asking for an urgency ordinance or moratorium suspending CUPs as outlined above.

Councilmember Calhoun noted there was no mention in the report of Mr. Crippen, stated the report on its face would make it appear as if everything that was done was an error made by the City and he was uncomfortable with that, and stated the process was good but the report did not address the entire issue. Mr. Montero clarified the task force was formed for a very specific purpose which was to investigate City processes, procedures, methods and codes to see if they could possibly be improved to avoid this type of situation in the future, and advised the task force made a conscious decision before convening the first meeting that they would not be a venue to litigate, adjudicate or discuss ongoing administrative issues with Crippen Excavation and would leave that up to the city manager and legal offices. Upon further question of Councilmember Calhoun, Mr. Montoy clarified the report does not absolve Archie Crippen of any liability with respect to the incident or the aftermath of the incident and likewise does not create liability for the City, and added there were governmental immunities that would apply and explained. Councilmember Calhoun stated he was prepared to support "a" and "b" but not "c" as he felt there was no need for that yet and it was a potential overreaction.

Councilmember Perea commended Councilmember Sterling and Mr. Montero for their leadership, stated he was ready to support "a" and "c", and along with Acting President Castillo presented questions relative to inspections (when/how often they would be done), timeline for the recommendations to be in place, how long it would be before some of the recommendations are implemented that affect item "c", and how many vendors/businesses have come forward and applied for CUPs, with Planning & Development Director Yovino and City Manager Hobbs responding. Acting President Castillo stated he did not see a need for "c" as he was hearing the recommendations would be implemented and withdrew his item "c".

Councilmember Duncan stated the report was good and the recommendations were comprehensive and needed; concurred with Mr. Correa's comments relative to the dispatchers stating there was some finger-pointing and emphasized dispatchers were good, hard working people who did a great job in an awful environment; and stated this was an unfortunate situation that was unprecedented and overwhelming but positive changes would be seen.

Councilmember Sterling stated the task force stayed focused on what they were asked to do by the Mayor; complimented former Council President Perea for recognizing the recommendations made a number of years ago and stated this was now a great opportunity to move forward and implement them; spoke to how all the agencies worked together, advised

the task force was sensitive to Mr. Caglia's concerns, and spoke to the issue of the dispatchers and the media coverage; noted the task force would be meeting again in July on the status of the recommendations; and made a motion to direct staff to implement the recommendations in the report and that she summarized, which motion was seconded by Councilmember

Duncan.

Referencing her earlier statement that Mr. Crippen had not been absolved of anything Ms. Montoy reminded Council of the significant work undertaken by staff relative to Crippen Excavation's operations including court action; advised the CUP revocation process had commenced and the planing commission would be holding its hearing tomorrow and recommended Council not participate or speak to anyone about that hearing; relative to the recommendation for an ordinance allowing for summary revocation stated staff would work very diligently to bring back an ordinance that streamlines the process; and stated considerable research would have to be done on criminal background checks as that was under the jurisdiction of State law.

President Boyajian thanked the task force for all their work and Harlan Kelley for bringing the issue forward years ago and added sometimes it seems like the City has tunnel vision and stressed the City needed to be proactive.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to implement the recommendations in the "Southwest Fire Process Improvement Task Force" report and those summarized by Councilmember Sterling in her opening presentation, including the drafting of ordinances and administrative direction to look at budgetary, staffing and training issues, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-A) * BILL NO. B-30 - ORDINANCE NO. 2003-35 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO SEWAGE AND WATER DISPOSAL

Public Utilities staff member Weimiller reviewed the issue as contained in the staff report as submitted. Councilmembers Duncan and Calhoun spoke briefly to the issue, expressed their strong support, and commended staff.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-30 adopted as Ordinance No. 2003-35, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(5-B) CONSIDER SCHEDULING "COUNCIL BUDGET STUDY SESSIONS" AS A REPLACEMENT FOR THE CURRENT COUNCIL BUDGET COMMITTEE PROCESS - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the issue including the past practice of Council sub-committees, spoke in support of setting up a study session **(7 - 0)** stating the budget was Council's most important job, and made a motion to schedule a study session at a regular Council meeting following receipt of the budget.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, the motion died for lack of a second and there was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS:

141-178

4/29/03

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, EXPRESSING CONCERNS RELATIVE TO (1) COUNCIL INTERFERENCE WITH HER BROWN ACT RIGHTS AND (2) SOUTHWEST FRESNO BOUNDARIES

Appearance made.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:30 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the ____ 6th ____ day of ____ May ____, 2003.

_____/s/____ ATTEST: ____/s/____
Tom Boyajian, Council President Yolanda Salazar, Assistant City Clerk